

RECEIVED
CENTRAL FAX CENTER
T-730 P_001/007 F-201
AUG 16 2005

PTO/SB/21 (04-04)

Approved for use through 07/31/2006 OMB 0651-0031
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL
FORM

(To be used for all correspondence after initial filing)

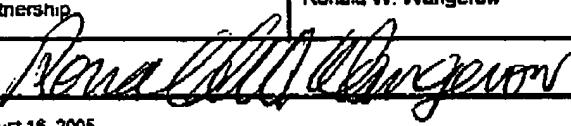
Total Number of Pages in This Submission

Application Number	10/081,130
Filing Date	February 22, 2002
First Named Inventor	David E Johnston
Art Unit	3676
Examiner Name	Vishal A. Patel
Total Number of Pages in This Submission	7
Attorney Docket Number	01-0002 (8470-0000070)

ENCLOSURES (check all that apply)

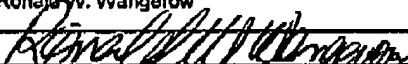
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Credit Card Payment form
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Freudenberg-NOK General Partnership	Attorney Name Ronald W. Wangerow	Reg. No 29,597
Signature			
Date	August 16, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name	Ronald W. Wangerow	Express Mail Label No	
Signature		Date	August 16, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 16 2005

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/081,130

Filing Date: February 22, 2002

Applicant: Johnston

Group Art Unit: 3676

Examiner: Vishal Patel

Title: SHAFT SEAL HAVING A HINGE AND A LINER

Attorney Docket: 01-0002 (8470-000070)

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

08/17/2005 MBINAS 00000041 10081130
 01 FC:1454 1370.00 OP

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED BENEFIT CLAIM UNDER
 35 U.S.C. 120 AND 35 U.S.C. 119(e) OF PRIOR FILED APPLICATION AND
 PROVISIONAL APPLICATION (37 C.F.R. 1.78(a)(3) and 1.78(a)(6))**

NOTE. 37 C.F.R. 1.78(a): "(3) If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by.

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted; (Added 12/28/01);

(ii) The surcharge set forth in § 1.17(t); and (Revised 12/28/01);

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. (Revised 5/1/03)

(6) If the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(5)(ii) of this section, the claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application may be accepted during the pendency of the later-filed application if the reference identifying the prior-filed application by provisional application number was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application must be accompanied by.

(i) The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional."

1. Applicant hereby petitions in accordance with § 1.78(a)(3) and 1.78(a)(6) to claim the benefit for this application under 35 U.S.C. § 120 of prior co-pending U.S. Patent Application 09/494,050 (now U.S. Patent No. 6,428,013) which claims the benefit under 35 U.S.C. 119(e) of U.S. Provisional Application No. 60/117,723 filed on January 29, 1999.
2. Applicant submits herewith an amendment to the first sentence, after the title of the application (1.78(a)(5)) making references in this application to prior filed applications whose benefit is claimed.
3. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) and (a)(5)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.
4. The surcharge fee set forth in § 1.17(t), required by 37 C.F.R. 1.78(a)(6)(ii), is paid as follows:

Attached is a check money order in the amount of \$1,370.00

Authorization is hereby made to charge the amount of \$1,370.00
 to Deposit Account No. _____
 to Credit Card as shown on the attached credit card information authorization form PTO-2038

WARNING: Credit card information should not be included on this form as it may become public

Charge any additional fees required by this paper, or credit any overpayment, to the Credit Card number on the attached form PTO-2038.

Respectfully submitted,

Dated: Aug. 16, 2005

By: Ronald W. Wangerow
Ronald W. Wangerow, Reg. No. 29,597

FREUDENBERG-NOK GENERAL PARTNERSHIP
Legal Department
47690 East Anchor Court
Plymouth, MI 48170-2455
Direct Line: (734) 354-5445
Facsimile: (734) 451-1445

AUG 16 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/081,130

Filing Date: February 22, 2002

Applicant: David E. Johnston

Group Art Unit: 3676

Examiner: Vishal A. Patel

Title: SHAFT SEAL HAVING A HINGE AND A LINER

Attorney Docket: 01-0002 (8470-000070)

Mail Stop Amendment
Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT SUBMITTED WITH PETITION UNDER 37 C.F.R. 1.78(a)(3)
AND 1.78(a)(6)

Sir:

Please amend the application as follows and consider the remarks set forth below.

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please replace the Paragraph at page 1, lines 1-3 with the following paragraph rewritten in amendment format:

CROSS REFERENCE TO RELATED APPLICATIONS

This claims the benefit of United States provisional patent application identified as Application Number 60/270,803, filed February 23, 2001, and Application Number 09/494,050, filed January 28, 2000, now USPN 6,428,013, which claims the benefit of provisional Application Number 60/117,723, filed January 29, 1999.

REMARKS

Claims 1-20 remain pending in the application. The Examiner is respectfully requested to consider the amendments and remarks contained herein.

SPECIFICATION

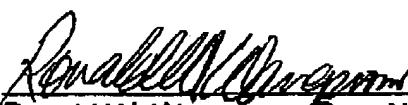
The specification was amended herewith to claim the benefit of prior applications.

CONCLUSION

Prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (734) 354-5445.

Respectfully submitted,

Dated: Aug. 16, 2005

By: 
Ronald W. Wangerow, Reg. No. 29,597

FREUDENBERG-NOK GENERAL PARTNERSHIP
Legal Department
47690 East Anchor Court
Plymouth, MI 48170-2455
Direct Line: (734) 354-5445
Facsimile: (734) 451-1445